

**United States Bankruptcy Court
Eastern District of Wisconsin**

In re **Toya S Jones**

Debtor(s)

Case No. **13-33118**

Chapter **13**

AMENDED CHAPTER 13 PLAN

NOTICES

NOTICE TO DEBTORS: This plan is the model plan as it appears in the Appendix to the Local Rules of the Bankruptcy Court for the Eastern District of Wisconsin on the date this plan is filed. **THIS FORM PLAN MAY NOT BE ALTERED IN ANY WAY OTHER THAN WITH THE SPECIAL PROVISIONS IN SECTION 10.**

☒ A check in this box indicates that the plan contains special provisions set out in Section 10 below.

NOTICE TO CREDITORS: YOUR RIGHTS WILL BE AFFECTED BY THIS PLAN. You should read this Plan carefully and discuss it with your attorney. If you oppose any provision of this plan you must file a written objection. The time to file an objection will be in a separate notice. Confirmation of this Plan by the Court may modify your rights. You may receive less than the full amount of your claim and/or a lesser interest rate on your claim.

You must file a proof of claim in order to be paid under this Plan. Payments distributed by the Trustee are subject to the availability of funds.

THE PLAN

Debtor or Debtors (hereinafter "Debtor") propose this Chapter 13 Plan:

1. Submission of Income.

☐ Debtor's annual income is above the median for the State of Wisconsin.

☒ Debtor's annual income is below the median for the State of Wisconsin.

(A). Debtor submits all or such portion of future earnings or other future income to the Chapter 13 Trustee (hereinafter "Trustee") as is necessary for the execution of this Plan.

(B). Tax Refunds (Check One):

☒ Debtor is required to turn over to the Trustee 50% of all net federal and state income tax refunds received during the term of the plan.

☐ Debtor will retain any net federal and state tax refunds received during the term of the plan.

2. Plan Payments and Length of Plan. Debtor shall pay the total amount of **\$4,200.00** by paying **\$100.00** per (check one) ☒ month ☐ week ☐ every two weeks ☐ semi-monthly to Trustee by ☐ Periodic Payroll Deduction(s) from (check one) ☐ Debtor ☐ Joint Debtor or by ☒ Direct Payment(s) for the period of **42** months. The duration of the plan may be less if all allowed claims in every class, other than long-term claims, are paid in full.

☐ If checked, plan payment adjusts as indicated in the special provisions located at Section 10 below.

3. Claims Generally. The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief. Creditors may file a proof of claim in a different amount. Objections to claims may be filed before or after confirmation.

The following applies in this Plan:

CHECK A BOX FOR EACH CATEGORY TO INDICATE WHETHER THE PLAN OR THE PROOF OF CLAIM CONTROLS:

		<u>Plan Controls</u>	<u>Proof of Claim Controls</u>
A.	Amount of Debt	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B.	Amount of Arrearage	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C.	Replacement Value - Collateral	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D.	Interest Rate - Secured Claims	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FAILURE TO CHECK A BOX UNDER A CATEGORY IN THIS SECTION WILL MEAN THAT A PROPERLY FILED PROOF OF CLAIM WILL CONTROL FOR THE CORRESPONDING SUB-PARAGRAPH OF THE PLAN.

4. Administrative Claims. Trustee will pay in full allowed administrative claims and expenses pursuant to 507(a)(2) as set forth below, unless the holder of such claim or expense has agreed to a different treatment of its claim.

(A). Trustee's Fees. Trustee shall receive a fee for each disbursement, the percentage of which is fixed by the United States Trustee, not to exceed 10% of funds received for distribution.

(B). Debtor's Attorney's Fees. The total attorney fee as of the date of filing the petition is \$ **3,500.00** . The amount of \$ **0.00** was paid prior to the filing of the case. The balance of \$ **3,481.00** will be paid through the plan. Pursuant to 507(a)(2) and 1326(b)(1), any tax refund submission received by the trustee will first be used to pay any balance of Debtor's Attorney's Fees.

Total Administrative Claims: \$3,862.78

5. Priority Claims.

(A). Domestic Support Obligations (DSO).

☒ If checked, Debtor does not have any anticipated DSO arrearage claims or DSO arrearage claims assigned, owed or recoverable by a governmental unit.

☐ If checked, Debtor has anticipated DSO arrearage claims or DSO arrearage claims assigned, owed or recoverable by a governmental unit. Unless otherwise specified in this Plan, priority claims under 11 U.S.C. 507(a)(1) will be paid in full pursuant to 11 U.S.C. 1322(a)(2). A DSO assigned to a governmental unit might not be paid in full. 11 U.S.C. 507(a)(1)(B) and 1322(a)(2).

(a) DSO Creditor Name and Address	(b) Estimated Arrearage Claim	(c) Total Paid Through Plan
-NONE-		
Totals	\$0.00	\$0.00

(B). Other Priority Claims (e.g., tax claims). These priority claims will be paid in full through the plan.

(a) Creditor	(b) Estimated claim
-NONE-	
Totals:	\$0.00

Total Priority Claims to be paid through plan: \$0.00

6. Secured Claims. The holder of a secured claim shall retain the lien securing such claim until the earlier of the payment of the underlying debt determined under non-bankruptcy law or discharge under Section 1328. The value, as of the effective date of the plan, of property to be distributed under the plan on account of such claim is not less than the allowed amount of the claim.

(A). Claims Secured by Personal Property.

☒ If checked, The Debtor does not have claims secured by personal property which debtor intends to retain. Skip to 6(B).

☐ If checked, The Debtor has claims secured by personal property which debtor intends to retain.

(i). **Adequate protection payments.** Creditor must file a proof of claim to receive adequate protection payments. Upon confirmation the treatment of secured claims will be governed by Paragraph (ii) below. The Trustee shall make the following monthly adequate protection payments to creditors pursuant to 1326(a)(1)(C):

(a) Creditor	(b) Collateral	(c) Monthly Adequate protection payment amount
	Total monthly adequate protection payments:	

(ii). **Post confirmation payments.** Post-confirmation payments to creditors holding claims secured by personal property shall be paid as set forth in subparagraphs (a) and (b).

(a). Secured Claims - Full Payment of Debt Required.

☒ If checked, the Debtor has no secured claims which require full payment of the underlying debt. Skip to (b).

☐ If checked, the Debtor has secured claims which require full payment of the underlying debt. Claims listed in this subsection consist of debts (1) secured by a purchase money security interest in a vehicle; (2) which debt was incurred within 910 days of filing the bankruptcy petition; and (3) which vehicle is for the personal use of the debtor; **OR**, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See 1325(a)(5). After confirmation the Trustee will pay the monthly payment in column (f).

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Claim Amount	(e) Interest Rate	(f) Estimated Monthly Payment	(g) Estimated Total Paid Through Plan
-NONE-						
TOTALS			\$0.00		\$	\$0.00

(b). **Secured Claims - Replacement Value.**

☒ If checked, the Debtor has no secured claims which may be reduced to replacement value. Skip to (B).

☐ If checked, the Debtor has secured claims which may be reduced to replacement value. The amount of the debt or the replacement value assigned to the property is in column (d).

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Replacement Value/Debt	(e) Interest Rate	(f) Estimated Monthly Payment	(g) Estimated Total Paid Through Plan
-NONE-						
TOTALS						

(B). **Claims Secured by Real Property Which Debtor Intends to Retain.**

(i) ☐ If checked, the Debtor does not have any claims secured by real property that Debtor intends to retain. Skip to (C).

☒ If checked, the Debtor has claims secured by Real Property that debtor intends to retain. Debtor will make all post-petition mortgage payments directly to each mortgage creditor as those payments ordinarily come due. These regular monthly mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter, unless this Plan provides otherwise.

(a) Creditor	(b) Property description
Capital One Auto Finance	2012 Hyundai Sonata average condition, not in debtor's possession

(ii)

☐ If checked, the Debtor has an arrearage claim secured by Real Property that the Debtor will cure through the Plan. Trustee may pay each allowed arrearage claim the estimated monthly payment indicated in column (d) until paid in full.

(a) Creditor	(b) Property	(c) Estimated Arrearage Claim	(d) Estimated Monthly Payment	(e) Estimated Total Paid Through Plan
-NONE-				
TOTALS		\$0.00		\$0.00

Total Secured Claims to Be Paid Through the Plan: \$0.00

(C). **Surrender of Collateral.** This Plan shall serve as notice to creditor(s) of Debtor's intent to surrender the following collateral. Any secured claim filed by a secured lien holder whose collateral is surrendered at or before confirmation will have their secured claim treated as satisfied in full by the surrender of the collateral.

(a) Creditor	(b) Collateral to be surrendered
-NONE-	

7. Unsecured Claims.

(A). Debtor estimates that the total of general unsecured debt not separately classified in paragraph (b) below is **\$ 69,397.01**. After all other classes have been paid, Trustee will pay to the creditors with allowed general unsecured claims a pro rata share of not less than **\$ 337.22** or **0** %, whichever is greater.

(B). Special classes of unsecured claims:
None

Total Unsecured Claims to Be Paid Through the Plan: \$337.22

8. Executory Contracts and Unexpired Leases.

☒ If checked, the Debtor does not have any executory contracts and/or unexpired leases.

☐ If checked, the Debtor has executory contracts and/or unexpired leases. The following executory contracts and unexpired leases are assumed, and payments due after filing of the case will be paid directly by Debtor. Debtor proposes to cure any default by paying the arrearage on the assumed leases or contracts in the amounts projected in column (d) at the same time that payments are made to secured creditors after confirmation.

(a) Creditor	(b) Nature of lease or executory contract	(c) Estimated arrearage claim	(d) Estimated monthly payment
-NONE-			
		Totals:	\$

All other executory contracts and unexpired leases are rejected upon confirmation of the plan.

9. Property of the Estate. Property of the estate shall revert in Debtor (Check one):

- ☐ Upon Confirmation; or
☒ Upon Discharge

10. Special Provisions. Notwithstanding anything to the contrary set forth above, the Plan shall include the provisions set forth below. **The provisions will not be effective unless there is a check in the notice box preceding Paragraph 1 of this plan.**

(A) Attorneys' fees are to be paid at the rate of all available funds at confirmation.

After confirmation, Attorney's fees shall be paid at one-half of available funds (less trustee fees) each month. If all secured claims have been paid in full, Attorneys are to receive all available funds (less trustee fees) each month until paid in full. Allowed Secured Creditors will receive post confirmation payments at the rate of one-half of all available funds (less trustee fees)

(B) The Debtor shall file a state court action to address the lien held by Capital One on the 2012 Hyundai Sonata. The debtors shall turn over to the Trustee the greater of one-half or the non-exempt portion of any proceeds received aside from release of the lien. Should the debtor owe remaining principle after the action has been resolved, she will file an amended plan to address any feasibility issues.

11. Direct Payment by Debtor. Secured creditors and lessors to be paid directly by the Debtor may continue to mail to Debtor the customary monthly notices or coupons or statements notwithstanding the automatic stay.

12. Modification. Debtor may file a pre-confirmation modification of this plan that is not materially adverse to creditors without providing notice to creditors if the Debtor certifies that said modification is not materially adverse to said creditors.

Date October 30, 2013

Signature /s/ Toya S Jones

Toya S Jones

Debtor

Attorney /s/ Attorney Nathan E. DeLadurantey
Attorney Nathan E. DeLadurantey 1063937

State Bar No. **1063937**
Firm Name **DeLadurantey Law Office, LLC**
Firm Address **735 W. Wisconsin Ave, Suite 720**
Milwaukee, WI 53233
Phone **414-377-0515**
Fax **414-755-0860**
E-mail **info@de-la-law.com**

Chapter 13 Model Plan - as of January 20, 2011

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:)	
TOYA S. JONES)	Case No. 13-33118-gmh
)	Chapter 13
)	
Debtor.)	

NOTICE OF AMENDED CHAPTER 13 PLAN

Toya S. Jones has filed with the court an Amended Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you have an objection/response to the Amended Chapter 13 Plan, you are required to file that objection/response within twenty-one (21) days of the date of this notice.

Your objection/response should be filed with:

Clerk of the Bankruptcy Court
517 East Wisconsin Ave, Room 126
Milwaukee, WI 53202

You must also mail a copy to:

Attorney Nathan E. DeLadurantey
735 W. Wisconsin Ave., Suite 720
Milwaukee, WI 53233

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: November 2, 2013.

DeLadurantey Law Office, LLC
Attorneys for Debtor

/s/

Nathan E. DeLadurantey, 1063937
735 W. Wisconsin Ave., Suite 720
Milwaukee, WI 53233
(414) 377-0515; (414) 755-0860 – Fax

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:)
) Case No. 13-33118-gmh
TOYA S. JONES,) Chapter 13
)
Debtor.)

CERTIFICATE OF SERVICE

Caitlin York states under oath that she is over the age of 18 and a paralegal at DeLadurantey Law Office, LLC, attorneys for the debtor, and that on November 2, 2013, she delivered true and correct copies of the attached “Amended Chapter 13 Plan”, “Notice Amended Chapter 13 Plan” and “Certificate of Service” via the CM/ECF system or first-class mail to the following parties:

Clerk, U.S. Bankruptcy Court
Eastern District of Wisconsin
via CM/ECF

Trustee Thomas J. King
via CM/ECF

Office of the United States Trustee
via CM/ECF

The attached Creditor Matrix
via first-class mail

I certify under penalty of perjury that the foregoing is true and correct.

Executed on November 2, 2013.

Signed: /s/ Caitlin York
Caitlin York

Drafted by:
Nathan E. DeLadurantey
SBN 1063937
735 W. Wisconsin Avenue, Suite 720
Milwaukee, WI 53233
(414) 377-0515; Fax (414) 755-0860
nathan@delalaw.com

Label Matrix for local noticing 0757-2 Case 13-33118-gmh Eastern District of Wisconsin Milwaukee Sat Nov 2 15:08:23 CDT 2013	(p)AMERICOLLECT INC PO BOX 2080 MANITOWOC WI 54221-2080	Michael Acevedo Cummisford, Acevedo & Associates, LLC 6508 S. 27th Street, Suite 6 Oak Creek, WI 53154-1093
CAPITOL ONE PO BOX 5253 CAROL STREAM, IL 60197-5253	CAPITOL ONE AUTO FINANCE 3901 DALLAS PKWY PLANO, TX 75093-7864	CREDIT COLLECTION SERVICES PO BOX 9134 NEEDHAM HEIGHTS, MA 02494-9134
CREDIT MANAGEMENT 4200 INTERNATIONAL PKWY CARROLLTON, TX 75007-1912	CYBECOLLECT 2350 SOUTH AVENUE LA CROSSE, WI 54601-6272	Capital One Auto Finance c/o Cummisford, Acevedo & Associates 6508 S. 27th St. Suite #6 Oak Creek, WI 53154-1093
Capital One Auto Finance 9441 LBJ Freeway, Suite 350 Dallas, TX 75243-4652	Nathan E. DeLadurantey DeLadurantey Law Office 735 W. Wisconsin Avenue Suite 720 Milwaukee, WI 53233-2413	JOSEPH CIURRO 131 SHEGER AVE OCONOMOWOC, WI 53066-1560
Toya S Jones 3740 W Clinton Ave Milwaukee, WI 53209-1941	Thomas J. King P.O. Box 3170 Oshkosh, WI 54903-3170	MILWAUKEE MUNICIPAL COURT 951 N JAMES LOVELL ST. MILWAUKEE, WI 53233-1449
Office of the U. S. Trustee 517 East Wisconsin Ave. Room 430 Milwaukee, WI 53202-4510	SOURCE RECEIVABLES MANAGEMENT PO BOX 4068 GREENSBORO, NC 27404-4068	(p)SPRINT NEXTEL CORRESPONDENCE ATTN BANKRUPTCY DEPT PO BOX 7949 OVERLAND PARK KS 66207-0949
United States Attorney's Office 517 E. Wisconsin Ave. Room 530 Milwaukee, WI 53202-4509	WE ENERGIES PO BOX 2046 MILWAUKEE, WI 53201-2046	Wisconsin Department Of Revenue Special Procedures Unit P.O. Box 8901 Madison, WI 53708-8901
Wisconsin Dept. Of Revenue Special Procedures Unit P.O. Box 8902 Madison, WI 53708-8902		

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

AMERICOLLECT INC 1851 S ALVERNO RD MANITOWOC, WI 54220	Sprint Nextel Attn Bankruptcy Dept PO Box 7949 Overland Park KS 66207-0949	End of Label Matrix Mailable recipients 21 Bypassed recipients 0 Total 21
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